

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 15-44**

A RESOLUTION ESTABLISHING A TRAFFIC DIVERSION PROGRAM AND DELEGATING AUTHORITY TO THE MUNICIPAL COURT JUDGE TO ADOPT RULES AND ADJUST FEES TO ADMINISTER THE PROGRAM

WHEREAS, the city council finds that public safety will be enhanced if traffic violators receive training on traffic safety; and

WHEREAS, the municipal court judge supports the traffic diversion program; and

WHEREAS, the municipal court has a violations bureau under ORS 153.800 for processing certain traffic violations committed within the city limits; and

WHEREAS, the city has the authority to create a program under its violation bureau in which drivers who are issued certain types of citations are diverted from municipal court into a traffic safety program that educates drivers;


NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: A traffic diversion program, as described in the attached Exhibit A, is established.

SECTION 2: The municipal court judge is delegated the authority to select suitable providers and to adopt all necessary rules, including adjustments in required fees and eligibility standards, for administering the program.

SECTION 3: This resolution is effective September 1, 2015.

PASSED: This 25th day of August, 2015.



Council President - City of Tigard

ATTEST:



Deputy City Recorder - City of Tigard

Exhibit A

Tigard Municipal Court traffic diversion program

Tigard Municipal Court has jurisdiction to hear citations for traffic violations that occur within the Tigard city limits. The city is committed to increasing public safety on its streets by providing qualified defendants the opportunity to attend a traffic safety program. Programs are designed to heighten driving awareness and establish safer driving habits that lead to a reduction in violations, recidivism and collisions on city streets and highways.

The eligibility standards to participate in Tigard Municipal Court's traffic diversion program are as follows:

- A valid non-commercial driver's license or permit.
- No previous convictions for any moving violations for the previous five years (two years for Tigard's Distracted Driver Diversion Program.)
- Certification that defendant has not participated in any other court-ordered diversion program during the past five years.

To successfully participate in the program, a defendant must:

- Submit a plea of "no contest."
- Pay a court diversion fee as set forth in the rules of the Tigard Municipal Court.
- Attend a traffic safety class approved by the court and pay the fee required by the provider.
- Complete all requirements within 90 days.

If all conditions of the diversion program are met, the citation will be dismissed and the violation will not appear on a defendant's driving record.

If a defendant fails to meet any of the diversion program requirements, a guilty finding will be entered and a judgment equal to the statutory Presumptive Fine for the violation will be imposed. Any amount previously paid to the court will be applied to the balance owing on the judgment. An abstract of the conviction will be sent to the Motor Vehicles Division of the Oregon Department of Transportation for entry on defendant's driving record.